

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 17660 of 2007(B)

PETITIONER:

K.A.SAJU, S/O. ANTONY,
KARIYIL HOUSE, KADAKKARAPPALLY, CHERTHALA,
ALAPPUZHA.

BY ADV. SRI.P.V.JAYACHANDRAN

RESPONDENTS:

1. THE SUB INSPECTOR OF POLICE,
POLICE STATION, PATTANAKKAD, CHERTHALA.
2. PHILOMINA JOSEPH,
KUNNUMMEL HOUSE, VETTAKKAL P.O., CHERTHALA.
3. MARIYAMMA DANIAL,
KUDIYAMSSERI, VETTAKKAL P.O., CHERTHALA.
4. K.D.EESY,
COMPAKKARAN (H), VETTAKKAL P.O.,
CHERTHALA.
5. TREESA KOCHOKKI,
PALIYATHARA HOUSE, VETTAKKAL P.O., CHERTHALA.

R1 BY GOVT. PLEADER SRI P.A.SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P. (C) .NO.17660/2007

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE SALE DEED NO.1845/2006
DATED16/12/2006.

EXT.P2 TRUE COPY OF THE TAX RECEIPT NO.3374363 DATED
22/12/2006.

EXT.P3 TRUE COPY OF THE COMPLAINT DATED 12/1/2007.

EXT.P4 TRUE COPY OF THE COMPLAINT DATED 22/1/2007.

EXT.P5 TRUE COPY OF THE RECEIPT DATED 22/1/2007.

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P.R. RAMAN & K. HEMA, JJ.
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W.P.(C) NO. 17660 OF 2007
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DATED THIS, THE 13TH DAY OF JUNE, 2007.

J U D G M E N T

Raman, J.

Petitioner purchased a property having an extent of 6 cents in Sy. No. 331/1 by registered sale deed No. 1845/2006 dated 16.12.2006. It is his case that Respondents 2 to 5, who are third parties, are unlawfully obstructing and demolishing the fence made by him and threatening him with dire consequences. In spite of complaint made to the first respondent, no effective steps are taken to ward off the threat. Hence he has filed this writ petition.

2. Respondents 2 to 5 were served through special messenger; but they have not chosen to appear and has not controverted the allegations. The learned Government Pleader, on instructions, submits that petitioner has purchased the property from one Antony, who, allegedly owes money to Respondents 2 to 5 and since this is a civil dispute, police have relegated the parties to approach the civil court.

3. In so far as the petitioner is concerned, if he has purchased the property by a registered sale deed, Respondents 2 to 5 cannot illegally cause

any obstruction to the enjoyment of the property by him. In case there is any dispute, the respondents can only approach the civil court. In such circumstances, if any physical obstruction or threat is caused by Respondents 2 to 5 and if a complaint is made by the petitioner to that effect, police shall give necessary protection to his life and property. This will be subject to the civil court orders, if any, obtained by any of the affected parties.

The writ petition is disposed of as above.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-